

### **IN THE FIGURES**

Please replace **Figure 5 and Figure 7** with the attached Replacement Sheets. Figure 5 originally illustrated several billing systems and billing logs, which were not described in the specification. A single billing system and billing log, as described in the original specification at page 14, lines 21-25, are depicted in the Replacement Sheet for Figure 5. The Replacement Sheet for Figure 7 amends the number 45 associated with Interim 1. The number 45 has been replaced with 43 now associated with Interim 1. No new matter is added in the Replacement Sheets.

## REMARKS

This Amendment is submitted in response to a November 24, 2008 non-final Office Action, having a shorted statutory response due date of February 24, 2009. The present amendment **amends** Claims 1-4, 6-8, 10-14, 16, 20-25, 28, and 30. Claims 1-4, 6-8, 10-14, 16, 20-25, 28, and 30 are currently pending.

Applicants' undersigned representative greatly appreciates the time and courtesy extended by Examiner Shrestha and SPE Kalinowski during a February 19, 2009 teleconference. If the Examiner believes that additional communication would promote any of the pending claims to allowance, a phone call to the undersigned at 512.306.0796 would be greatly appreciated.

### REJECTIONS UNDER 35 U.S.C. § 101

In paragraph 2 of the present Office Action, Claims 1-4, 6-8, 10-14, 16, 20-25, 28, and 30 are rejected under 35 U.S.C. § 101 for failing to meet the "machine or transformation" requirement of *In re Bilski* (545 F.3d 943, 88 U.S.P.Q.2d 1385) and other court decisions (including *Diehr*, *Flook*, *Gottschalk*, and *Cochrane*). Exemplary **Claim 1** now includes the feature of "programming a specific processor," as supported in the original specification on page 15, lines 16-27 ("machine-readable instructions executable by a digital processing apparatus"). Exemplary **Claim 11** now includes hardware elements ("collecting and recording logic," as supported in the original specification on page 5, lines 20-22; "an automated reconciliation sub system," as supported on page 12, lines 15-27, and on page 13, lines 13-15) for the claimed processor system. Exemplary **Claim 21** now claims a "storage medium" (e.g., a CD-ROM, as supported in the original specification on page 16, lines 5-6) rather than a "signal bearing medium." Applicants believe that these amendments overcome the Section 101 rejections, and therefore respectfully traverse them in light of the present amendments. Applicants thus request that these rejections be withdrawn.

## REJECTIONS UNDER 35 U.S.C. § 112

In paragraph 4 of the present Office Action, Claims 11-14, 16, and 20 are rejected under 35 U.S.C. § 112, second paragraph, for not being tied directly to hardware elements. The present amendments overcome these rejections through the inclusion of “collecting and recording logic” (supported in the original specification on page 5, lines 20-22) “for collecting and recording resource consumption at resource consumption sites, wherein the resource consumption is a consumption of gaseous hydrocarbons being transferred internally for refining” (supported on page 8, lines 15-20) “within an integrated petrochemical refinery; and an automated reconciliation sub system” (supported on page 12, lines 15-27, and on page 13, lines 13-15) “for reconciling records of resource consumption between the resource consumption sites and the target site.” All other rejected claims under Section 112 are dependent on Claim 11, and either include hardware limitations or limitation that are included in previously claimed hardware. Applicants thus request that these rejections be withdrawn.

## REJECTIONS UNDER 35 U.S.C. § 103

In paragraph 6 of the present Office Action, Claims 1-4, 6-8, 10-14, 16, 20-25, 28, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Johnson, et al.* (U.S. Patent Application Publication No. 2007/0010914 – “*Johnson*”) in view of *Metzger* (U.S. Patent Application Publication No. 2004/0186760 – “*Metzger*”) and *Tandon, et al.* (U.S. Patent Application Publication No. 2005/0177470 – “*Tandon*”). In view of the present amendments, Applicants respectfully traverse these rejections.

With respect to exemplary **Claim 1**, a combination of the cited art does not teach or suggest:

- a. collecting and recording resource consumption at multiple resource consumption sites, wherein the resource consumption is a consumption of electricity that is transmitted through resource consumption feeders that serve multiple types of electricity generation companies, and wherein the electricity generation companies supply electricity to the resource consumption sites,” as supported in the original

specification on page 15, lines 12-14.

The present office action cites step 12, Figure 1 of *Johnson* for teaching the feature of “collecting and recording resource consumption at resource consumption sites.” This step is explained in paragraph [0018] of *Johnson*, which states:

[0018] The equipment for which relevant information is collected (block 12) may include equipment consuming electrical energy, equipment combusting hydrocarbon energy sources (e.g., natural gas or propane), equipment consuming both, or any other energy-consuming or utility service-utilizing equipment as described herein, including equipment that consumes, utilizes, or is powered by electricity. In one embodiment, equipment using water is also included. Further, the equipment can also include any equipment that consumes or utilizes phone service, cable television service, high-speed internet service, or any other device that consumes, utilizes, or is powered by electronic or energy services.

Thus, there is no teaching or suggestion that the electricity is being supplied by “multiple types of electricity generation companies” that “supply electricity to the resource consumption sites.”

Furthermore, a combination of the cited art does not teach or suggest:

“retrieving records from the resource consumption sites and interim control points on the resource consumption feeders, wherein the resource consumption feeders are electric power lines coming from the multiple electricity generation companies,” as supported in the original specification in FIG. 5 and on page 14, lines 21-25.

The present Office Action cites paragraph [0031] of *Metzger* for teaching “retrieving the records from the resourced consumption feeder and interim control points. The cited passage states:

[0031] At the end of the flight, the devices 222 and catering inventory are unloaded (i.e., deplaned) and delivered to the destination caterer. The destination caterer may be the same as the origination caterer, since, often, a flight caterer is an organization with a plurality of geographically distributed flight kitchens. Alternatively, the destination caterer may be different from the origination caterer and have a relationship or reciprocal agreement with the origination caterer. In step 230, the destination caterer links the received devices 222 to the portal by

way of a destination user interface, such that the in-flight sales transaction and inventory information may be communicated to the portal and recorded to the database flight record. Similar to the pre-flight, originating caterer activities, the destination caterer may perform a post-flight inventory of the catering inventory items in step 240. The destination caterer accesses the portal and selects the appropriate flight for updating the database record for that selected flight, and enters the post-flight inventory data. The destination caterer may then return the devices 222 to the originating caterer, or alternatively, configure the devices for a return flight to the originating caterer or other selected flight.

That is, *Metzger* describes a system in which portable inventory tracking devices (devices 222) can be used in-flight on an airplane, and then delivered back to the caterer, who can download the data to see what inventory was used during the flight. There is no teaching or suggestion of “interim control points on the resource consumption feeders,” particularly where those “resource consumption feeders are electric power lines coming from the multiple electricity generation companies.”

Thus, Applicants respectfully request that the rejection of **Claim 1** be withdrawn.

With regards to exemplary **Claim 2**, a combination of the cited art does not teach or suggest “wherein the records from the resource consumption sites and the interim control points comprise an audit scope identifier, wherein the audit scope identifier describes a time and date of a next scheduled reconciliation of the records of resource consumption at the resource consumption feeders and the resource consumption sites,” as supported in the original specification on page 7, lines 27-29.

With regards to exemplary **Claim 3**, a combination of the cited art does not teach or suggest “wherein the electricity generating companies each use a different billing structure, and wherein computer-implemented method further comprises:

providing a reconciliation of records between the resource consumption sites and the interim control points to a specific billing structure that is used by a particular electricity generating company,” as supported in the original specification on page 8, lines 11-15.

With regards to exemplary **Claim 4**, a combination of the cited art does not teach or

suggest “wherein the records from the resource consumption sites and the interim control points comprise a unique key, wherein the unique key is composed of a SystemID, an AppInstanceID, and a RefRequest, wherein the SystemID identifies a transmission system of a particular electricity provider, wherein the AppInstanceID identifies a particular feeder line used by that particular electricity provider, and wherein the AppInstanceID identifies a set of resource records used on that particular feeder line for that particular electricity provider during a specifically defined period of time,” as supported in the original specification on page 8, lines 5-9, and on page 9, lines 4-17.

With regards to exemplary **Claim 7**, a combination of the cited art does not teach or suggest “wherein the multiple types of electricity generation companies are electricity suppliers that include a coal fired company, a gas fired company, a hydroelectric company, and a wind turbine company.” In the present Office Action, *Johnson* is cited as teaching this feature at paragraph [0018], which states:

[0018] The equipment for which relevant information is collected (block 12) may include equipment consuming electrical energy, equipment combusting hydrocarbon energy sources (e.g., natural gas or propane), equipment consuming both, or any other energy-consuming or utility service-utilizing equipment as described herein, including equipment that consumes, utilizes, or is powered by electricity. In one embodiment, equipment using water is also included. Further, the equipment can also include any equipment that consumes or utilizes phone service, cable television service, high-speed internet service, or any other device that consumes, utilizes, or is powered by electronic or energy services.

Note first that *Johnson* only addresses monitoring equipment that is “consuming electrical energy,” NOT monitoring “electricity suppliers.” Second, *Johnson* does not teach or suggest “a wind turbine company,” which is part of a group that includes a coal fired company, a gas fired company, a hydroelectric company, and (not “or”) a wind turbine company.

With respect to **Claim 11**, a combination of the cited art does not teach or suggest “collecting and recording resource consumption at resource consumption sites, wherein the resource consumption is a consumption of gaseous hydrocarbons being transferred internally within an integrated petrochemical refinery,” as supported in the original specification on page 8, lines 15-20.

The present Office Action does not address the feature of “gaseous hydrocarbons being transferred internally within an integrated petrochemical refinery.”

With regards to exemplary **Claim 12**, a combination of the cited art does not teach or suggest a processor system that comprises:

“a first interim system coupled to the resource consumption feeders” (supported in the original specification by element 43 in FIG.5);

“a second interim system coupled to a set of billing systems used by multiple providers of the gaseous hydrocarbons being transferred within the integrated petroleum refinery” (supported by element 46 in FIG. 5); and

“a firewall between the first interim system and the second interim system, wherein the firewall controls access between the resource consumption feeders and the set of billing systems used by the multiple providers” (supported on page 14, lines 21-25).

With respect to **Claim 21**, a combination of the cited art does not teach or suggest “collecting and recording resource consumption at flowing resource consumption sites, wherein the resource consumption is asphalt that is transferred internally within units of an integrated petroleum refinery,” as supported on page 8, lines 15-20 of the original present specification. Similarly to **Claim 11**, the present Office Action does not address the feature of the resource consumption being “asphalt that is transferred internally within units of an integrated petroleum refinery.”

CONCLUSION

Applicants now respectfully request a Notice of Allowance for all pending claims. If the Examiner believes that a teleconference would be beneficial to promoting the presently pending claims to allowance, a telephone call to the undersigned at 512.306.0796 would be greatly appreciated.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0457**.

Respectfully submitted,



James E. Boice  
*Registration No. 44,545*  
LAW OFFICE OF JIM BOICE  
3839 Bee Cave Road  
Suite 201  
West Lake Hills, Texas 78746  
512.306.0796

ATTORNEY FOR APPLICANT(S)